

STATE OF NEW YORK

8119--A

IN SENATE

January 8, 2024

Introduced by Sens. FERNANDEZ, CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the veterans' services law, and the military law, in relation to establishing the Alex R. Jimenez New York state military immigrant family legacy program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The veterans' services law is amended by adding a new
2 section 29-b to read as follows:

3 § 29-b. Staff sergeant Alex R. Jimenez New York state military immi-
4 grant family legacy program. 1. For the purposes of this section, the
5 following terms shall have the following meanings:

6 (a) "Uniformed service member" shall mean a member of the army, navy,
7 air force, space force, marine corps, coast guard, public health service
8 commissioned corps, or national oceanic and atmospheric administration
9 commissioned officer corps serving on active duty.

10 (b) "The program" shall mean the staff sergeant Alex R. Jimenez mili-
11 tary immigrant family legacy program.

12 (c) "Liaison" shall mean an employee of the department of state or the
13 department designated by the secretary of state or the commissioner, to
14 serve as a military immigrant family legacy program liaison pursuant to
15 subdivision three of this section.

16 (d) "Veteran" shall have the same meaning as such term is defined in
17 section one of this article and shall also include any veteran with a
18 qualifying condition, as defined in section one of this article, and has
19 received a discharge other than bad conduct or dishonorable from such
20 service, or is a discharged LGBT veteran, as defined in section one of
21 this article, and has received a discharge other than bad conduct or
22 dishonorable from such service.

23 (e) "Intended recipients" shall mean uniformed service members, veter-
24 ans, reserve component members and their family members.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (f) "Reserve component members" shall mean those serving in the army
2 reserve, navy reserve, marine corps reserve, the army national guard,
3 the air national guard, or reserve corps of the public health service
4 during the time the unit was federally recognized as a reserve compo-
5 nent.

6 2. Establishing the staff sergeant Alex R. Jimenez New York state
7 military immigrant family legacy program inside the office for new Amer-
8 icans and the division of military and naval affairs and will require
9 the commissioner of the division of military and naval affairs to desig-
10 nate one or more staff as liaisons to the office for new Americans. The
11 office for new Americans shall designate one or more staff to be liai-
12 sons with the division of military and naval affairs to manage case
13 referrals from the division of military and naval affairs and secure
14 legal assistance under existing office for new Americans legal services
15 for veterans and/or their families. The liaison shall coordinate and
16 refer any veteran's need for assistance to legalize their status or the
17 status of the family of a veteran, alive or deceased, to the office for
18 new Americans. The primary purpose of the program shall be to assist
19 intended recipients to secure legal immigration status in the United
20 States, including but not limited to, citizenship.

21 3. Two military immigrant family legacy program liaisons shall be
22 appointed/designated, one appointed by the commissioner and one by the
23 adjutant general of the division of military and naval affairs, to
24 administer the program. Each coordinator shall be a veteran. The liai-
25 sons at the office for new Americans, once having received a referral
26 from the division of military and naval affairs will ensure the follow-
27 ing coordination with immigrant legal service providers:

28 (a) assisting intended recipients, who may qualify for adjustment of
29 status, special immigration status through the federal Parole in Place
30 program authorized by section 1758 of the 2020 National Defense Authori-
31 zation Act, or any other sort of immigration relief, including relief
32 that can lead to citizenship, in securing legal representation or
33 consultation by qualified immigration attorneys or duly authorized board
34 of immigration appeals representatives as may be necessary to obtain
35 such relief.

36 (b) serving as liaison between the department and the division of
37 military and naval affairs, the United States citizenship and immi-
38 gration services, immigration and customs enforcement, the United States
39 department of veterans affairs, the United States department of defense,
40 local veterans' service agencies, state agencies, community groups,
41 advocates, and other veterans and military organizations and interested
42 parties for the purpose of coordinating efforts to provide immigration
43 relief to intended recipients.

44 (c) consulting with qualified immigration attorneys or duly authorized
45 board of immigration appeals approved representatives to facilitate such
46 coordination with the United States citizenship and immigration services
47 or other appropriate agency.

48 (d) advocating for intended recipients.

49 (e) developing and maintaining a clearinghouse for information and
50 resources relating to the program as well as other federal, state, local
51 and non-profit programs that may offer assistance to intended recipients
52 in immigration matters.

53 (f) promoting events and activities that educate and assist intended
54 recipients, including but not limited to, veteran human rights confer-
55 ences, veterans benefit and resources events.

1 (g) developing information to be made available to congressionally
2 chartered veterans' organizations, and local veterans' services agencies
3 to provide a general overview of the program, including but not limited
4 to, its purpose and the eligibility requirements for adjustment of
5 status, citizenship, or any other form of available relief.

6 (h) preparing yearly reports on topics, including but not limited to,
7 the demographics of intended recipients residing in the state, including
8 the number of such intended recipients by county, an estimate of how
9 many may be eligible for naturalization, and the unique needs of the
10 intended recipients within New York state to the commissioner, the adju-
11 tant general of the division of military and naval affairs and the
12 office for new Americans.

13 4. The coordinators shall submit a report to the commissioner and to
14 the governor and legislature on January first each year following the
15 first full year after the effective date of this section. Such report
16 shall include, but not be limited to, a description and evaluation of
17 the coordinators' activities for the preceding calendar year as well as
18 any recommendations for future programmatic changes. The commissioner
19 shall submit the report to the governor and the legislature in accord-
20 ance with the provisions of section four of this article. The adjutant
21 general of the division of military and naval affairs shall submit the
22 report to the governor and the legislature in accordance with the
23 provisions of section one hundred sixty-four of the executive law.

24 § 2. Section 4 of the veterans' services law is amended by adding a
25 new subdivision 39 to read as follows:

26 39. To encourage the development of and provide for the establishment
27 of a state military immigrant family legacy program coordinator, as
28 provided in section twenty-nine-b of this article.

29 § 3. The military law is amended by adding a new section 256 to read
30 as follows:

31 § 256. State military immigrant family legacy program support. The
32 adjutant general shall encourage the development of and provide for the
33 establishment of a state military immigrant family legacy program coor-
34 ordinator, as provided in section twenty-nine-b of the veterans' services
35 law.

36 § 4. This act shall take effect on the one hundred fiftieth day after
37 it shall have become a law.